

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

)	
THE HIPSAVER COMPANY, INC.,)	
Plaintiff / Counterclaim Defendant,)	
)	
v)	Civil Action No. 05-10917 PBS
)	
J.T. POSEY COMPANY,)	
Defendant / Counterclaim Plaintiff.)	
)	
)	

JOINT MOTION FOR A CONTINUANCE OF JUNE 4, 2007, TRIAL

Plaintiff The HipSaver Company, Inc. (“HipSaver”) and Defendant J.T. Posey Company (“Posey”) file this joint motion for continuance of the trial and, in support thereof, show the following:

1. On February 14, 2007, after Summary Judgment arguments were heard, the Clerk scheduled trial for June 4, 2007.

2. HipSaver subsequently learned of the unavailability of one of its two expert witnesses during the first two weeks in June because of a conflict with a trial in Oregon. Although this expert witness has attempted to resolve the conflict, he has been unsuccessful and is not available from June 4-June 15, 2007.

3. The parties' experts and witnesses are available any date in June-August *other* than the dates set forth below:

HipSaver: June 4 – 15, 2007; August 15-30, 2007

Posey: June 18 – 29, 2007; July 16– 25, 2007; July 30, 2007 – August 17, 2007

4. If convenient to the court, the parties prefer that trial be held July 2 – July 13, 2007.

5. This continuance is not sought for the purposes of delay but, rather, for the express reasons set forth above.

REQUEST FOR RELIEF

Plaintiff HipSaver and Defendant Posey respectfully request that the Court continue the trial in this case from June 4, 2007 until any date other than the dates specified in Paragraph 3. Furthermore, the parties request that the Court also revise the pretrial schedule to be consistent with the new trial date.

CERTIFICATE PURSUANT TO CIVIL LOCAL RULE 7.1 and 37.1

I hereby certify that on March 26 and 27th, 2007, counsel for HipSaver and counsel for Posey conferred by telephone and agreed to an assented motion for continuance.

Respectfully submitted

THE HIPSAVER COMPANY, INC.
By its Attorneys,

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March 27, 2007

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March 27, 2007

CERTIFICATE OF SERVICE

I certify that this document has been filed through the Electronic Case Filing System of the United States District Court for the District of Massachusetts and will be served electronically by the court to the Registered Participants identified in the Notice of Electronic filing.

/s/ Courtney M. Quish

Courtney M. Quish

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